

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 98-446-T - ORDER NO. 98-719
SEPTEMBER 17, 1998

IN RE: Implementation of a Class C Charter Bus)
Application Program to conform with the)
Federal Transportation Equity Act for the 21st)
Century.)

ORDER ADOPTING
EMERGENCY
REGULATIONS

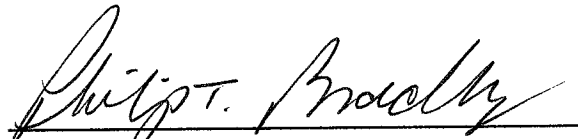
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This matter comes before the Public Service Commission of South Carolina (the Commission) on the Staff proposal that we adopt Emergency Regulations on Charter Buses, in view of the passage of the Federal Transportation Equity Act for the 21st century. This new Federal statute apparently preempts our intrastate regulatory authority over charter buses, with the exception of insurance and safety issues.

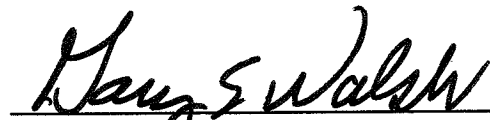
Upon examination, the proposed Emergency Regulations would allow us to regulate charter buses in insurance and safety matters. We hereby adopt Staff's proposal, and hereby request that Staff take whatever steps necessary to make said regulations permanent. (The regulations, as adopted by us, are attached hereto as Appendix A.)

This Order shall remain in full force and effect until further Order of the
Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Acting Executive Director

(SEAL)

103-102. DEFINITIONS OF TERMS

3. **Certificated Carrier.** "Certificated carrier" means a motor carrier operating under a Certificate of PC&N, a Certificate of FWA, or a Charter Bus Certificate.
4. **Commission.** "Commission" means the Public Service Commission of South Carolina whose address is 101 Executive Center Drive, Post Office Drawer 11649, Columbia, SC 29211.
20. **Charter Bus.** "Charter Bus" means a motor vehicle carrying 16 or more passengers. However, a limousine shall not be considered to be a charter bus.
21. **Charter Bus Certificate.** A "Charter Bus Certificate" is a certificate issued to charter bus motor carriers which signifies that the motor carrier has met all of the insurance requirements of the Commission, and all of the safety requirements of the South Carolina Department of Public Safety. A Charter Bus Certificate shall be denominated "Class C-Charter Bus."
22. **Limousine.** A "Limousine" is a passenger carrier utilizing luxury vehicles and/or vans equipped to carry up to fifteen (15) passengers.

103-112. Class "C" Motor Carrier - Certificate of Public Convenience and Necessity.

A **Class C** motor carrier is a common carrier by motor vehicle of passengers, generally known as "taxi cabs", "charter buses", and "charter limousines", which does not operate over regular routes or upon regular schedules, and which does not, in any way, solicit or receive patronage outside of the radius of two miles of the corporate limits of the city in which it is licensed to do business, except upon such highways as are not served by a Class A or B motor carrier. A Class C motor carrier must obtain a Certificate of PC&N from the Commission, except "charter buses", which must obtain a Charter Bus Certificate.

103-130. Applications Required.

Any person desiring to operate in this State as a motor carrier for hire first shall file an application for the type of certificate needed (Certificate of PC&N, Certificate of FWA, Charter Bus Certificate) with the Commission on forms to be furnished by the Commission. All required information on the application forms must be correctly completed before filing of such application will be accepted.

103-133(5) Charter Bus Certificate

An application for a Charter Bus Certificate or to amend a Charter Bus Certificate to operate as a carrier of 16 or more passengers by motor vehicle may be approved upon a showing that the applicant meets the insurance requirements of the Commission and the safety requirements of the South Carolina Department of Public Safety.

103-139. Processing of Application by Applicant.

Without good cause shown, any application for a Certificate of PC&N, FWA, or a Charter Bus Certificate submitted but not processed in compliance with the Commission's instructions by the applicant within 90 days of receipt of the notice of filing, may be dismissed.

103-150(3). Beginning operations under a Charter Bus Certificate.

An order of the Commission approving an application for a Charter Bus Certificate or the issuance of a Charter Bus Certificate does not within itself authorize a carrier to begin operations. Operations are unlawful until the carrier has complied with the law by:

- a. Filing evidence of an acceptable safety rating.
- b. Filing insurance or surety bond with the Commission in the required amounts covering its rolling equipment for the protection of the public.

103-233. Inspection of Vehicles, Books, Records, Etc.

1. **Carrier to Cooperate with Inspections.** Auditors, accountants, inspectors, examiners, and other agents of the Commission, upon demand and display of proper credentials, shall be permitted by any carrier operating under a Certificate of PC&N and FWA to examine and copy the books, records accounts, bills of lading, load sheets, manifest, correspondence, and other records of such carrier relating to the transportation of property or passengers and to examine the vehicles, terminals, buildings, and other equipment and facilities used by such carrier in such transportation business, and carriers operating under a Charter Bus Certificate shall permit any designated agent of the Commission to inspect records related to insurance coverages and/or

safety, and all such carriers shall instruct their drivers, agents, and employees in charge of such records, equipment, and facilities to cooperate with such examination.

103-240. Grounds for Revocation of Certificate.

The Commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the Commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the Commission, the motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the Commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria, or the motor carrier holding a charter bus certificate no longer meets the Commission's insurance requirements or the safety requirements of the Department of Public Safety, or the continuance of said certificates are not in conformity with the spirit and purpose of the law, provided, however, that this rule shall have no effect upon rules hereinbefore set forth which authorize suspension, revocation, alteration, or amendment of a certificate or of an order granting operating rights without hearing where certain conditions exist.